

REMARKS

Status Of Application

Claims 1-12, 14-25, and 32-39 are pending in the application; the status of the claims is as follows:

Claim 32 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,602,625 to Okamoto et al. (hereinafter the “Okamoto patent”).

Claims 1, 4-6, 9, 14, 17-19, 22, 33-36, 38, and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Okamoto patent and U.S. Patent No. 5,987,535 to Knodt et al. (hereinafter the “Knodt patent”).

Claims 2, 3, 7, 8, 10-12, 15, 16, 20, 21, 23-25, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Okamoto patent and the Knodt patent as applied to claims 1 and 14, and U.S. Patent No. 5,999,708 to Kajita (hereinafter the “Kajita patent”).

35 U.S.C. § 103(a) Rejections

The rejection of claims 1, 4-6, 9, 14, 17-19, 22, 33-36, 38, and 39 under 35 U.S.C. § 103(a), as being unpatentable over the combination of the Okamoto patent and the Knodt patent, is respectfully traversed based on the following.

The Okamoto patent shows a system for providing assistance in repairing jams and other minor problems with a copier. The copier includes a color display (102) for providing instructions for clearing the jam (column 21, lines 16-24). When sensors in the copier detect a jam, a graphic is displayed on the device indicating that there is a jam and its location (Figure 14). In this state, operational guidance may be requested by pressing the * key. By pressing the progressive key (A of Figure 13), instructions on accessing various portions of the copier may be selected (column 23, lines 3-27). This allows display of images that assist the user in accessing various components in the copier (Figures 15-

39). In certain situations, the copier may sense when a jam has been removed and adjust the guidance accordingly (column 25, lines 19-32). Some of the guidance images highlight the indicated area of operation using color (column 26, lines 3-9, 25-34, column 27, lines 3-8, 16-29, column 30, lines 48-53, column 31, lines 4-15). However, there is no suggestion anywhere in the Okamoto patent for using a color designation to indicate the operational mode of the copier. Even though the display 102 is capable of displaying colors, colors are only used to provide operator instructions (column 45, lines 1-15, Figure 84). In addition, operational information is displayed on display 102 (Figures 81, 83-86, 88-91, 93-100, 102-104, 107, 108, 111-113, 116-120, 122-130, 132-135, 137-140, 142-144, 146-148, 150-152, 154-157, and 164). Thus, even though operational information is provided on display 102 and color is used for other purposes, there is no suggestion that color be used to designate any operational mode.

The Knodt Patent shows a display for a multi-mode device that provides an animated indicator to show device activity. Active connections are darkened to indicate that activity (column 4, lines 45-59). Knodt does not show or suggest the use of color in a display.

In contrast to the cited prior art, claim 1 includes:

a controller for determining the operational mode of the image forming apparatus and providing a color display signal to the display device to **change the color** to be displayed on said predetermined area of the screen **according to the determined operational mode**. (Emphasis added)

In the cited prior art, color is provided only on specific components of the guidance function. The Okamoto patent states at column 27, lines 40-51:

Here, colors of the operation designating sections and the non-operation designating sections in the jam guidance display are not limited to red and black, so they can be suitably set. Moreover, the display of the operation designating section and the non-operation designating section in the jam guidance display may be clearly distinguished, so it is not limited to the above-mentioned display in different colors. Therefore, jam guidance

may be displayed in different statuses, display by different shade, display by slanted line portions and non-slanted line portions, display by a blink and non-blink. In the case where such display is carried out, the LCD 102 may carry out only monochrome display.

This is repeated again at column 45, lines 15-26. Thus, the colors (or states) of the moving pictures are changed not according to the operational mode, as in the present invention, but rather according to whether an object of display is a section designated for an operation by the user or not. In addition, because the moving picture providing guidance to the user includes an image indicating an operation designating section along with other images, the area for displaying the moving picture is necessarily displayed in the predetermined two colors (*e.g.* blue and red or red and black).

Color is used in the display for certain functions (column 26, lines 3-9, 25-34, column 27, lines 3-8, 16-29, column 30, lines 48-53, column 31, lines 4-15). In addition, operational information is displayed on display 102 in other areas of the display, *e.g.* “Copying Magnification 100%” (Figures 81, 83-86, 88-91, 93-100, 102-104, 107, 108, 111-113, 116-120, 122-130, 132-135, 137-140, 142-144, 146-148, 150-152, 154-157, and 164). However, there is absolutely no suggestion to provide a change in any color on the display according to a determined operational mode. Furthermore, coloring is only provided in the prior art to highlight components in a graphical display of the copier to provide instructions on clearing jams. There is no predetermined area of the display where a color is displayed based on an operation mode of the copier.

The rejection states that:

Although Okamoto does not teach color display to the display device is changed according to determined operation mode, Okamoto teaches there are different color values associating with the dynamic data are displayed on the display device (col. 21, lines 30-35 and col. 21, line 65 through col. 22, line 3 and col. 45, lines 15-26), it would have been obvious for changing the color on the display device according to the determined operation mode.”

Thus, the rejection states that the claimed invention is an obvious modification of the prior art. MPEP 2143.01. However, the rejection cites no teaching or suggestion in any reference to change the color of a predetermined area according to the operation mode. In order to show obviousness, the teaching "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." MPEP §2143. The rejection does not provide this motivation or suggestion. Essentially, the rejection states that this modification is obvious because it's obvious.

The purpose of the suggestion requirement is to prevent hindsight analysis. "Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." *In re Dembicza*k, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). It is clear from the rejection that the only suggestion to make the modification of the cited references comes from Applicant's written description. This is the essence of impermissible hindsight.

In addition, the fact that the Okamoto reference shows a color display that also displays operational information, and yet makes no suggestion to use color to indicate an operational mode, is strong evidence that the use of color to rapidly indicate to the user an operational mode was not obvious to the those skilled in the art (*i.e.* it was not obvious to Okamoto *et al.*). Therefore, the rejection does not state a *prima facie* case for obviousness because there is no suggestion to make the modification stated in the rejection. Therefore, claim 1 is patentably distinct from the cited prior art. Claims 2-12 are dependent upon claim 1. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." §MPEP 2143.03.

Also in contrast to the cited prior art, claim 14 includes:

a controller for determining the operational mode of the image processing device and providing a color display signal to the display device

to change the color to be displayed on said predetermined area of the screen according to the determined operational mode.

As noted above, the cited prior art does not show or suggest changing the color of a predetermined area according to an operational mode. Therefore, claim 14 is patentably distinct from the cited prior art. Claims 15-25 are dependent upon claim 14 and thus include every limitation of claim 14. Therefore, claims 15-25 are also patentably distinct from the cited prior art.

Also in contrast to the cited prior art, claim 33 includes:

a controller for, when the identification code is input via the input section, providing a color display signal to the display device to change the color to be displayed on the predetermined area of the screen according to the color information stored in the memory device in association with the inputted identification code.

As noted above, the cited prior art does not show or suggest changing the color displayed in a predetermined area in response to any operational aspect of the device. The cited prior art only shows color highlights of portions of a graphical help facility (Okamoto). Thus, the combined references do not show or suggest every element of claim 33 and claim 33 is patentably distinct from the cited prior art.

Also in contrast to the cited prior art, claim 34 includes:

a controller for, when the job to be processed by the image processing section is switched to a new job, providing a color display signal to the display device to change the color to be displayed on the predetermined area of the screen according to the new job.

As noted above, the cited prior art does not show or suggest changing the color displayed in a predetermined area in response to any operational aspect of the device. The cited prior art only shows color highlights of portions of a graphical help facility. Thus, the combined references do not show or suggest every element of claim 34 and claim 34 is patentably distinct from the cited prior art.

Also in contrast to the cited prior art, claim 35 includes:

a controller for, when the operational mode is selected by the selection means, providing a color display signal to the display device to change the color to be displayed on the predetermined area of the screen according to the selected operational mode.

As noted above, the cited prior art does not show or suggest changing the color displayed in a predetermined area in response to any operational aspect of the device. The cited prior art only shows color highlights of portions of a graphical help facility. Thus, the combined references do not show or suggest every element of claim 35 and claim 35 is patentably distinct from the cited prior art. Claim 36 is dependent upon claim 35 and thus includes every limitation of claim 35. Therefore, the prior art does not show or suggest every element of claim 36 and claim 36 is patentably distinct from the cited prior art.

Also in contrast to the cited prior art, claim 37 includes:

a controller for providing a color display signal to the display device to change the color to be displayed on each area of the screen based on whether the state of the parameter corresponding to the area is set by the first setting means or the second setting means.

As noted above, the cited prior art does not show or suggest changing the color displayed in an area of the display device in response to any operational aspect of the device. The cited prior art only shows color highlights of portions of a graphic representation of the copier in a graphical help facility. Thus, the combined references do not show or suggest every element of claim 37 and claim 37 is patentably distinct from the cited prior art.

Also in contrast to the cited prior art, claim 38 includes:

a controller for providing a color display signal to the display device to change the color to be displayed on the predetermined area of the screen based on whether the image processing condition set by the setting means includes a parameter regarding to the basic function or the application function.

As noted above, the cited prior art does not show or suggest changing the color displayed in a predetermined area in response to any operational aspect of the device. The cited prior art only shows color highlights of portions of a graphical help facility. Thus, the combined references do not show or suggest every element of claim 38 and claim 38 is patentably distinct from the cited prior art.

Also in contrast to the cited prior art, claim 39 includes:

a controller for providing a color display signal to the display device to change the color to be displayed on the predetermined area of the screen according to the program selected by the selection means.

As noted above, the cited prior art does not show or suggest changing the color displayed in a predetermined area in response to any operational aspect of the device. The cited prior art only shows color highlights of portions of a graphical help facility. Thus, the combined references do not show or suggest every element of claim 39 and claim 39 is patentably distinct from the cited prior art.

Accordingly, it is respectfully requested that the rejection of claims 1, 4-6, 9, 14, 17-19, 22, 33-36, 38, and 39 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Okamoto patent and the Knodt patent, be reconsidered and withdrawn.

The rejection of claims 2, 3, 7, 8, 10-12, 15, 16, 20, 21, 23-25, and 37 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Okamoto patent and the Knodt patent as applied to claims 1 and 14, and the Kajita patent, is respectfully traversed based on the following.

The Kajita Patent describes a system using two way communication from a scanning/copier device and computers connected to the device via a data network. Kajita does not show or suggest the use of color in a display. Therefore, it does not overcome the deficiencies of the Okamoto and Knodt patents to provide a *prima facie* case for obviousness of claims 1 and 14. As noted above, a claim that is dependent upon a

nonobvious claim is also nonobvious. Therefore, 2, 3, 7, 8, 10-12, 15, 16, 20, 21 and 23-25.

Also in contrast to the cited prior art, claim 37 includes:

first setting means for setting a state of one parameter of the image processing condition according to a user's instruction;
second setting means for automatically setting a state of another parameter of the image processing condition according to the state of the one parameter set by the first setting means;
a display device for displaying information on a screen thereof, the display device displaying information regarding to a state of each parameter on a respective sectional area of the screen in a plurality of colors in response to a color display signal; and
a controller for providing a color display signal to the display device to change the color to be displayed on each area of the screen based on whether the state of the parameter corresponding to the area is set by the first setting means or the second setting means.

The Okamoto patent only provides a color indication to indicate where a user should perform an operation on the copier. The Knott and Kajita patents do not show or suggest the use of a color display at all. Therefore, the cited prior art does not show or suggest all of the elements of claim 37. Thus, claim 37 is patentably distinct from the cited prior art.

Accordingly, it is respectfully requested that the rejection of claims 2, 3, 7, 8, 10-12, 15, 16, 20, 21, 23-25, and 37 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Okamoto patent and the Knott patent as applied to claims 1 and 14, and the Kajita patent, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

The following is a marked-up version of the changes to the claims which are being made in the attached response to the Office Action dated June 18, 2002.

IN THE CLAIMS:

Claim 32 has been canceled.

37. (Once Amended) An image processing apparatus comprising:
an image processing section for processing an image according to an image processing condition having a plurality of parameters;
first setting means for setting a state of one parameter of the image processing condition according to a user's instruction;
second setting means for automatically setting a state of another parameter of the image processing condition according to the state of the one parameter set by the first setting means;
a display device for displaying information on a screen thereof, the display device displaying information regarding [to] a state of each parameter on a respective sectional area of the screen in a plurality of colors in response to a color display signal; and
a controller for providing a color display signal to the display device to change the color to be displayed on each area of the screen based on whether the state of the parameter corresponding to the area is set by the first setting means or the second setting means.

38. (Once Amended) An image processing apparatus comprising:
an image processing section for processing an image according to an image processing condition having a plurality of parameters;
setting means for setting the image processing condition, wherein the plurality of

parameters are classified into a basic function and an application function;
a display device for displaying information on a screen thereof, the display device
displaying information on a predetermined area of the screen in a plurality of colors in
response to a color display signal; and

a controller for providing a color display signal to the display device to change the
color to be displayed on the predetermined area of the screen based on whether the image
processing condition set by the setting means includes a parameter regarding [to] the basic
function or the application function.